



3 Questions – 10 Minutes

- **What are the comparative advantages and disadvantages of external and internal complaints-handling mechanisms ?**



- **What type of relationship exists or should exist between external oversight institutions and internal military complaints-handling mechanisms in your country ?**



- **What obstacles and challenges are faced by external oversight institutions and internal military complaints-handling mechanisms in your country and how can these obstacles be addressed ?**





1st Question

What are the comparative advantages and disadvantages of external and internal complaints-handling mechanisms ?

EXTERNAL		INTERNAL	
Advantages	Disadvantages	Disadvantages	Advantages
Neutral towards the department and its staff.	Limited knowledge of the department.	Autonomy (perception).	Knowledge of the organization.
More power (perception).	Whenever externals impose a measure in e.g. a conflict the implementation may not easily be followed.	Actual pressure of hierarchy.	Empathy (esprit de corps) part of the team.
Not influenced by the military hierarchy.	May be influenced by external (political) players.	Mandated by CHOD.	Accepted as an expert.
	Mediation by externals may render future cooperation between the parties more difficult.	Dependency of the structure (pressure).	Imbedded in the Legal Department of the MoD (provides autonomy).
	Has to learn the particularity of the Armed Forces (esprit de corps).		Prevention by the service is more easily accepted.
			Mandated by CHOD. Gentlemen's agreement provides independency.



2nd Question

What type of relationship exists or should exist between external oversight institutions and internal military complaints-handling mechanisms in your country ?

Existing:

- **Formal relationship between Federal Ombudsman and the employer (CHOD) through the Complaint Manager Service (CMS).**
- **The CMS provides analysis and answers to CHOD who, normally, confirms this answer to the Federal Ombudsman.**
- **The CMS is the formal contact person of Defense in statistical matters.**
- **Informal contacts could possibly be interesting, but the quantity of complaints is very low (2010: Six complaints - all internal matters).**
- **As the CMS treats internal complaints as well as external complaints, the MoD is really an exception for the Federal Ombudsman.**



3rd Question

What obstacles and challenges are faced by external oversight institutions and internal military complaints-handling mechanisms in your country and how can these obstacles be addressed ?

- **In fact there are no legal obstacles.**
- **Legal delays to provide an answer are imposed.**
- **The most important problem for Federal Ombudsman is the limitation of competence. All they can do is request elements of analysis and clarification. After which they can only make recommendations. The institutions are not compelled to implement these recommendations.**
- **Intellectual fairness is most important to obtain the benefits of its functioning.**